S.B.CRIMINAL MISC. BAIL APPLICATION NO.5177/06

Date : 23.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg for the applicant.
Mr. Vishnu Kachhawha, Public Prosecutor for State.
Mr. K.S. Chouhan for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that prior in time First Information Report was lodged by the present applicant. He submits that main accused was granted bail by the learned trial court under Section 438 Cr.P.C. He placed before me the commissioner report which shows that possession over the plot in dispute is of the applicant.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Hanuman Prasad s/o Bhika Ram by I.O./S.H.O. in FIR No.367/2006 P.S. Kotwali, Pali, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

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